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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,968	08/21/2001	Keigo Ihara	212969US6	5890
22850	7590	05/03/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			JOO, JOSHUA	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,968

Applicant(s)

IHARA ET AL.

Examiner

Joshua Joo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. Claims 1-8 are presented for examination.
2. Claims 1-8 are rejected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 4, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusaba et al, US Patent #6,510,556 (Kusaba hereinafter) and in view of Cao, US Patent #6,782,550.

5. As per claims 1, 6, and 8, Kusaba teaches substantially the claimed invention including requesting a reservation request to a video distributing apparatus for transmission of a specified video content of a predetermined length. Kusaba's teachings comprises of:

sending reservation request information including the desired service supply time period for using said processing server from said user terminal apparatus to said reservation control apparatus via the network (Fig. 2; Fig. 4B; Col 4, lines 7-35. Client sends a schedule table request to the scheduler to send the contents of the schedule, where contents may be a movie.),

said reservation control apparatus determining if the reservation request for using said processing server during said desired service supply time period will be accepted (Col 5, lines

6-26. Scheduler checks to see if the start time set by the view lies within a time zone when the reservation can be accepted or not.).

6. Kusaba teaches of providing an updated schedule table when the reservation request is accepted (Col 5, lines 53-58). Kusaba does not teach of transmitting from said reservation control apparatus to said user terminal apparatus via the network if the reservation request is accepted, said current time reference value determining when said reservation state of said processing server will permit access by the user terminal apparatus to the processing server for using the processing server.

7. Cao teaches a media delivery system, where the server provides the date/time of the server to the user or synchronizes the user's time with the server (Col 32, lines 42-45).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kusaba and Cao because both teachings deal with providing media to a user based on a predetermined schedule. In addition, the teaching of Cao to provide the current time of the server enhances Kusaba's method by informing the user so that the user may know exactly when the scheduled program will be delivered.

9. As per claim 3, Kusaba does not teach the server reservation method according to claim 1, further comprising at step of: changing a value of current time being used at said user terminal apparatus based on any difference between said current time reference value and said value of current being used at said user terminal.

10. Cao teaches a media delivery system, where the server provides the date/time of the server to the user or synchronizes the user's time with the server (Col 32, lines 42-45).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kusaba and Cao because both teachings deal with providing media to a user based on a predetermined schedule. In addition, the teaching of Cao to provide the current time of the server enhances Kusaba's method by informing the user so that the user may know exactly when the schedule program will be delivered.

12. As per claim 4, Kusaba teaches the server reservation method according to claim 1, wherein said predetermined processing executed by said processing server is processing of distributing content data by streaming to a requesting client terminal apparatus via the network (Col 4, lines 6-11; Col 6, lines 1-9. Video content is transmitted to the requested user.).

13. Claims 2, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusaba, Cao, and in view of Trewitt et al, US Patent #6,134,531 (Trewitt hereinafter).

14. As per claim 2, Cao teaches of synchronizing the user's time with the server's time. However, Kusaba and Cao do not specifically teach the server reservation method further comprising steps of: calculating a difference in real time between said current time reference value and a value of current time indicated at said user terminal apparatus; and notifying the user of said user terminal apparatus of said difference in real time.

15. Trewitt teaches of calculating the difference between the client's clock and the server's clock, and notifying the client of the difference by having the client download an applet into the browser (Col 4, lines 60-67; Col 5, lines 29-39).

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16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kusaba, Cao, and Trewitt because the teachings deal with the transmission of media content from a server to a client. The teaching of Trewitt to calculate the difference in time between the client's local time and the server's time enhances Kusaba's and Cao's method by allowing the client to synchronize its clock with the server's clock.

17. As per claims 5 and 7, Kusaba and Cao do not teach the server reservation method according to claim 1, further comprising steps of: acquiring said current time reference value at said processing server used for determining when said reservation state of said processing server will permit access by the user terminal apparatus to the processing server for using the processing server during said desired service time from a predetermined network time protocol (NTP) server; and acquiring said current time reference value at said reservation control apparatus that is transmitted in said transmitting step, from said predetermined network time protocol (NTP) server.

18. Trewitt teaches that the server obtains its current time from the NTP or the client can communicate with the NTP (Col 4, lines 14-21).

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kusaba, Cao, and Trewitt because the teachings deal with the transmission of media content from a server to a client. The teaching of Trewitt to synchronize the client's or server's clock with the NTP improves the invention of Kusaba and Cao by providing an highly accurate time, since the NTP can synchronize computer clock times to milliseconds.

Conclusion

20. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Birdwell, US Patent #6,041,359 disclose of generating requests for reservation of bandwidth for an upcoming time period for broadcast transmission.

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

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23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 25, 2005
JJ

A handwritten signature in black ink, appearing to read "N. E. Hachy". The signature is written in a cursive style with a long, sweeping vertical line extending downwards from the end of the name.